

Notice of Allowability

Application No.

10/064,463

Examiner

Stephen M. D'Agosta

Applicant(s)

KUO ET AL..PN.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2-24-05.
2. ☒ The allowed claim(s) is/are 1 and 3-8.
3. ☒ The drawings filed on 02 July 2005 and 04 February 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see amendment, filed 2-24-05, with respect to claims 7-8 have been fully considered and are persuasive. The rejection of claims 7-8 has been withdrawn.

1. The applicant has amended claim 1 per the examiner's recommendation, hence claims 1 and 3-6 are allowed.

2. The applicant's arguments regarding claims 7-8 are persuasive, hence original claims 7-8 are allowed:

"....concerning claims 7 and 8,.....the current application provides a method for ensuring that a Radio Resource Control RRC supported by a mobile unit of a wireless communication system does not inadvertently release allocated radio bearers and move the mobile unit to an Idle Mode after the RRC switches from indicating an "Out of Service" condition to indicating an "In Service" condition. This is a very specific situation and is claimed as such.

In claim 7, the RRC in the CELL-FACH state and (in order) detects an "Out of Service" condition. After detecting the "Out of Service" condition, a timer happens to go off that indicates a need for a periodical cell update. Note that this situation is coincidental and not as a result of the detection of the "Out of Service" condition. A second timer is started as a direct result of the expiration of the first timer and limits the duration that the RRC should look for a suitable cell to camp on. If a suitable cell cannot be found before expiration of the second timer, the RRC releases the radio bearer and enters an Idle mode.

Although Hjelm teaches using a timer to limit a duration of holding an activated channel currently having no traffic, the Applicant is unable to find any teachings in either of the references to suggest that in this particular situation where the mobile is in the CELL FACH state, detects an Out of Service condition, then starts a timer as the result of a need for a periodical update, then the RRC detects an In Service condition, that the timer requires to be

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stopped a Cell Update procedure is not ongoing and a URA Update procedure is not ongoing" (Claim 7) to avoid the RRC releasing the radio bearer and entering the Idle Mode. Hjelm, if the timer is not stopped the RRC deactivates the related channel but does not enter the Idle Mode..."

"...Claim 8 again describes a highly specific situation where (in order) the RRC enters a CELL FACH state, detects an Out of Service condition and starts a time to limit the duration to regain service before releasing allocated resources; entering the Idle Mode, the RRC detects an In Service condition before the timer expires, and stops the timer if a Cell Update procedure is ongoing, or stopping the third timer if an update procedure is ongoing (Claim 8) to avoid the RRC releasing allocated resources and entering the Idle Mode..."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
PRIMARY EXAMINER
4-18-05

A handwritten signature in black ink, appearing to be 'SD' or 'D'Agosta', located below the printed name and title.